

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

---

**GARY LEE BENNETT,**

Plaintiff,

**-vs-**

**Case No. 15-CV-1097**

**MICHAEL MEISNER, et al.,**

Defendants.

---

**DECISION AND ORDER**

---

On May 5, 2016, the plaintiff filed a motion to compel discovery. He asserts that he submitted his First Request for Production of Documents prior to April 1, 2016, and that the defendants have not yet responded to the request. The plaintiff also seeks \$25 as reasonable expenses in obtaining the Court's order. The defendants contend that the Court should deny the plaintiff's motion because he has not complied with Federal Rule of Civil Procedure 37(a)(1)'s "good-faith requirement." The defendants also contend that the plaintiff's motion is without merit because they timely responded to the discovery request.

The plaintiff may obtain information during the course of this action by making discovery requests of the defendants. Rules 26 through 37 of the Federal Rules of Civil Procedure describe the various ways in which a party can seek discovery. The plaintiff is advised that he should send his discovery

requests to the appropriate defendant's attorney.

The Court only becomes involved in the discovery process if a party fails to respond to interrogatories or requests for production of documents. Then the other party may file a motion to compel discovery with the Court, but only after conferring or attempting to confer with the party failing to make disclosure or discovery in an effort to obtain it without court action. Such an attempt to resolve discovery disputes between parties is required before filing a motion to compel discovery. The motion should describe these efforts. See Fed. R. Civ. P 37(a); Civil L. R. 37 (E.D. Wis.).

Here, the plaintiff's motion to compel discovery does not certify that he conferred, or attempted to confer, with the defendants prior to filing his motion to compel. Thus, the plaintiff's motion to compel is premature. In any event, the defendants' response to the plaintiff's motion to compel demonstrates that they timely responded to his discovery request.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT** the plaintiff's motion to compel discovery (ECF No. 31) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 13th day of May, 2016.

**BY THE COURT:**

  
HON. RUDOLPH T. RANDA  
U.S. District Judge